

**Springerville Planning & Zoning Commission  
Regular Session Minutes  
March 18, 2004**

Present: Chair – Arnold Moya, Vice-Chair – Bill Lucas, Betty Amator, Larry Martin, Kay Matthews, and Dan Slaysman.

Absent: Bridgett Laney

Staff: Kurt Hassler – Zoning Administrator, Michelle Schlosser

Public: Pat and Evelyn Arabie, Jan Burr, Larry and Catherine Jaeger, Kay Dyson, Dan Hill, Lee and Rita Godsey, Chuck and Joan Williams, Thomas Watkins, Peggy Reed, Alan Watkins, Al and Linda Matthews, Walter Brannan, Linda Rivera, Leonard Garcia, Marian Nugent, Memory Jackson, Chuck Orona, Thea Clemons, Jeff Plucas, Willie and Flora Castillo, JA and Mary Dargitz, Dan and Amy Pulsifer, Stephanie (Boles), Robert Zammit, Henry and Cora Lee, Henry Lee, Jr., Susan Silva and Morris and Angela Padilla.

**1. Call to Order**

The meeting was called to order at 7:00pm by Chair Arnold Moya.

Roll Call:	Present:	Arnold Moya William Lucas Larry Martin Betty Amator Kay Matthews Dan Slaysman
	Absent:	Bridgett Laney

**2. Public Participation**

Pat Arabie: My understanding of the requirements of the Arizona Public Meeting Laws is Section 38-431.01 . . . Shall be open to the public. It then goes to Section B, subsection 4. The minutes I got from the manager's office a lot of information is being omitted and incorrectly recorded. When the manager was asked to get a legal opinion on an item, he didn't present all the information to the attorney which was omitted and presented at the next meeting. At that meeting, I was told prior to the meeting that all of the commissioners had a copy of the letter from the attorney that was helping us represent and the commission members asked that that letter be included in the legal opinion and it wasn't. I am requesting that these meetings be more accurately written up. Asking for some of this information recently, I was told they had up to three days to provide the information whereas in the statement in the A.R.S. says it will be done within 3 days and made available to the public. Not 3 days after a request but three days after the meeting. So, if you have a meeting coming up and you're waiting three days for that and waiting 3 days for them to reply, it doesn't leave anytime to be able to get legal opinions.

Chairman Moya: We did ask our attorney about that and it may have been something that was overlooked. Kurt, would you like to address this?

Kurt Hassler: The only comment I would make is the draft minutes you have are not the draft minutes that were provided to the commission. There was more added to them before they were presented to the commission.

Pat Arabie: So is this information we are not privy to?

Kurt Hassler: I did not have a chance to review those minutes then the day we prepared the packets I decided more information was needed.

Pat Arabie: I would like an accurate mention of those minutes and I will address it further when it comes to our portion.

Chairman Moya: Kurt, could you look into that?

Kurt Hassler: The minutes are an executive decision, I make that decision, I present the minutes to you, if you guys want more in it, please let me know and I'd be happy to do so. The Town Council recently approved a policy requiring us to maintain tape recordings of Town Council and Planning & Zoning meetings for 5 years. After 5 years we get rid of those but the written minutes are on file for all time. If anybody desires to listen to the tapes they are welcome. We have 3 days to provide a request for public records. The minutes we try to provide immediately.

Pat Arabie: If I understand correctly, the tapes can go away but the written minutes remain so I would think the written minutes be very accurate if they stay forever because there are some situations, even recently, we need to go back to written minutes and without those minutes being accurately recorded, how can you go back and refer to them if down the road the tapes are done away with?

Chairman Moya: I believe in the infant stage, we also have the electronic database and the Springerville website which will have some minutes implemented in the future.

Kurt Hassler: The minutes are available electronically. I don't know if Planning & Zoning is up there yet, but approved Town Council minutes are there.

Motion made to skip to item #6, Larry Martin/Kay Matthews.

**6. RV Parks**

Discussion regarding RV parks, both existing and proposed, in the Town of Springerville

Kurt Hassler: Due to some confusion at the last meeting I had the attorney show up tonight to answer any questions you may have.

Betty Amator: In our zoning code book we have a section that is under campgrounds on page 51. It says "Campgrounds shall be allowed. . .in accordance with Section 302. 302 is the procedure for a condition use permit. Back on page 52, P(2) Site Specifications, it says ...campgrounds shall be 900 sq. ft. and each recreational vehicle site must be no less than 1200 sq. ft. In my mind, that is a conditional use for that in the designated zone district. That isn't a RV Park district, correct?

Attorney Solomon: So your question is whether or not that conditional use permit must be applied for each of those zones individually or how many zone districts do not provide for campgrounds.

Betty Amator: Yes. None of them provide other than those specifically.

Attorney Solomon: Those 3 that you just named.

Betty Amator: That's right. We've asked this question numerous times, this is written in a permissive form. So if it's permissive and allows it, how can you prohibit if you've already got the permissive in it?

Attorney Solomon: You still have to go through the procedure to get a CUP.

Betty Amator: That's right but the zoning code books were written in permissive form or prohibitory form. So that's why we have that section in there that says if they aren't listed they're not permitted.

Kurt Hassler: You are saying an RV Park is the same as a campground.

Betty Amator: Yes.

Kurt Hassler: My interpretation is that they are not the same thing. They are specifically talking about a campground. I've never interpreted an RV Park to be the same thing as a campground, it's just that they allow recreational vehicles in a campground.

Attorney Solomon: Mr. Hassler is correct. Just because it's a campground it is not an RV Park.

Betty Amator: No, to me that isn't what it says. A camp site is 900 sq. ft.

Attorney Solomon: Now, it can be a different square footage allotment. An RV Park is not provided for specifically under this code. RV's can be in campgrounds under this Planning & Zoning Code . . .

Betty Amator: Under conditional use, then what does the definition of campground on page 11 mean?

Attorney Solomon: Well, no where on page 51 does it say a campground is an RV Park. Likewise, nowhere on page 11, under the definition section does it say an RV Park is a campground or a campground is an RV Park. Let me read that definition for you. (Proceeds to read Campground definition on Page 11). There is no reference made in that definition about RV's or RV Parks. They are not the same thing.

Betty Amator: Okay, then Recreational Vehicle Park, page 16.

Attorney Solomon: It might have a separate definition for a recreational vehicle park but on page 51, it doesn't say that a recreational vehicle park is the same thing as a campground.

Kay Matthews: Since this does not specifically allow an RV and this issue keeps coming up, wouldn't it be cleaner to establish an RV zone area?

Kurt Hassler: I don't know that I'd do an RV zoning area. You set up a section of the code just like campgrounds, for RV parks.

Attorney Solomon: An amendment to the code providing for recreational vehicle parks.

Kay Matthews: Okay, but if you do that, you would have to go with a conditional use permit every time somebody wants to establish and develop an RV park . . .

Kurt Hassler: And I would.

Kay Matthews: I disagree. I think the cleanest way to do it is develop a code specifically for an RV/Campground.

Kurt Hassler: But then they would have to come in and go through a rezone.

Attorney Solomon: I wouldn't create a campground/RV. I'd make it two or three different sections.

Kurt Hassler: I'm going to need some direction from you if we're going to propose a new section of the code.

Attorney Solomon: When you create a separate section on RV's, you're going to say, this section governs RV's however, RV's are going to be allowed in AG or whatever other classifications you want to name, they are going to be allowed, but these are the rules that govern RV's. That doesn't mean they have to get a different classification each time.

Kurt Hassler: I'll draft the language and hopefully at the next meeting present that to you for consideration.

Attorney Solomon: Now that being said, the issues you have on the agenda tonight, you address them under current problematic codes

Kay Matthews: But, after we do this, are we going to require these issues to come back so they know what they fall under. Let them reapply, all of them in a zone that is established after this process then eliminates the cup's?

Kurt Hassler: If that's the direction you end up going, not requiring a cup for a campground or RV Park and allow it as a permitted use which I don't recommend.

Attorney Solomon: I have to agree simply because you lose control. If you don't have a process that takes a CUP then you'd have a whole lot going on without control.

END OF SIDE A OF TAPE #1

Kay Matthews: When we talked about this last month the main thing we focused on, in recognition of cup's was (someone coughed). You've got county, state codes for part of those areas so why is it difficult to enforce?

Kurt Hassler: It's not difficult to enforce, it's a much longer process. Anybody that has a conditional use permit you get a quicker reaction from. That is a common public complaint. They call and complain then call a week or two later and ask why haven't we done anything? Well, we have.

Kay Matthews: But I think we are making the process more difficult for new businesses to come in when they see something today and six months from well, we've changed our mind, if you don't have a cup you're out of business.

Kurt Hassler: No. You can't automatically yank a conditional use permit. If they aren't abiding by the conditional use permit, you're right.

Betty Amator: As a commissioner, I am totally against the CUP.

Kay Matthews: I agree.

Kurt Hassler: What about all the uses that are in the book under conditional use permits? Are you against those also? Are you looking to do away with the conditional use permit process altogether and go with just permitted uses?

Chairman Moya: As long as we know we will end up with the code that will allow us for tents, RV's and the mixed . . .

Kurt Hassler: I'll present that. I've got the direction I need to present that to you at the next meeting.

Commissioner Lucas: My question would be on those three uses, are we also going to designate what zones would be permitted, conditional use permitted or not permitted in because now it's nice to come back with this but where does it fit? Or is it only going to be in the agricultural districts and not permitted or conditional user permit in commercial, R-7? You need a sense of direction. What other zones, if any, are these to be permitted or conditional used in?

Kurt Hassler: We can look around in other cities to see what they do and see what zoning types they allow them in and that would be part of the ordinance change, what zoning types they would be allowed in.

Commissioner Amator: Because you are going to start intermixing CUP's and rezones. You're going to be rezoning, putting the under C-1 under a conditional use permit. I don't agree with it. And just because you did C-1 for Moses at that time doesn't mean you have to do it today.

Kurt Hassler: I would disagree with that. You need some advice from the attorney. You have approved an RV Park for commercial zone. You need to treat everybody the same until the ordinance is changed or we could get ourselves in trouble. Until a new ordinance is passed, you are going to have to issue conditional use permits for RV parks in a commercial zone.

Attorney Solomon: The trouble he is referring to is when you have two people in the same class and you treat one differently than the other. It's a constitutional violation. Discrimination. When a government body does that, it's grounds for a law suit.

Chairman Moya: So the action that we are asked at this point, hopefully we can take an action as far as taking and designating mixed or RV or campgrounds?

Kurt Hassler: It wouldn't take effect now, it's got to be a part of the ordinance that you passed.

Betty Amator: This would be a council action? This would have to go back to council?

Kurt Hassler: Yes, you guys recommend this to the council and the council formally approves the ordinance changes.

Chairman Moya: If the commission is satisfied with the RV discussion, I would like to take and move on to item #7.

**7. CUP2004-C004**

Consider a conditional use permit application from Todd Boles to operate a recreational vehicle park on parcel number 105-20-027.

Kurt Hassler: I just want to make sure everyone is clear on my memo here? My recommended action on this is that you take no action as prior discussion at the last meeting. You're going to grandfather in all existing RV Parks. Thompson Trailer Park, while not the entire thing is an RV Park they have had RV's there for years, probably back to the late 50's, 60's. Off and on, RV's moving in and out. In my opinion, that classifies as an RV Park and they should be grandfathered in just as you grandfathered the others in at the last meeting. So, I recommend that you take no action on this.

Commissioner Matthews: I have a question. When the original zoning was done, was it allowed to RV parks or have they been back in to allow for RV parks before this time? When the zoning was originally done . . .

Kurt Hassler: In 1998, when the current zoning was passed, it was zoned RMH-7.

Kay Matthews: Were they zoned to have recreational vehicles . . .

Kurt Hassler: No, they are not zoned to have recreational vehicles.

Kay Matthews: Then why are they being allowed to do it if it's not zoned for that . . .

Kurt Hassler: Because they are grandfathered in.

Commissioner Matthews: We talked that enforcement should have been done.

Kurt Hassler: What enforcement do we have? As long as it's being used as an RV Park they have the right to continue that use for an RV Park.

Chairman Moya: That's what I got out of our last meeting.

Attorney Solomon: When was this current code put into place?

Kurt Hassler: 1998.

Commissioner Lucas: If we proceed in the direction that is being recommended by staff, does this then set a precedence for RMH-7? If a future applicant were to come in . . .

Attorney Solomon: Nobody new would be able to come in and say he did it, why can't I?

Motion made to pass up CUP 2004-C004 by Martin/Lucas.

Vote:	Ayes:	Arnold Moya
		William Lucas
		Betty Amator
		Larry Martin

Nays:	Kay Matthews
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Chairman Moya: On to item #8. I guess with that already closed we don't have to get any comments from the public.

(The crowd erupted)

Kurt Hassler: You are not required to take public comment if you don't want to. It's your call.

Chairman Moya: Well, we have gotten ourselves into a situation where we have grandfathered . . .

JA Dargitz: What is grandfathered? I don't know what part of the country you all were raised in and how much traveling you've done but you ought to go and look at some of these places. I've got pictures to prove there's three RV's in there and two of them are hooked up on the same electric lines and put a new line in, they've got water, sewer and

electric in the same ditch. You ought to go ask questions and talk to the inspectors. You set up here and say you can't RV's and camping in the same place but you can have mobile homes, RV's and camping. How are you going to explain mobile homes still in there? You need to look into some of this stuff.

Chairman Moya: We do have a situation where we have allowed grandfathering because if we don't do that then we're going to have to get into a whole other ball of wax.

JA Dargitz: I've talked to people who've lived here for years and they said that place has never had RV's on it and he won't come down and speak his peace. I bought my place 4 years ago and it should've been torn down. In that park, I've seen a house let wetbacks out 25 to 30 at a time.

Chairman Moya: And there's public service that deals with that.

JA Dargitz: On the one picture, do you see the pile of trash? That was dumped this week. That's the 3<sup>rd</sup> time they've put stuff over there to burn. I've called the police twice and the second time he come out, kicked things around and drove off.

Chairman Moya: Yes sir. Thank you for your time.

(END OF SIDE B OF TAPE #1)

8. **RULES OF PROCEDURE**

Consider approving a set of rules for the Planning and Zoning Commission to operate under.

Kurt Hassler: There were a couple of minor changes I implemented. Item II(B), I added "A meeting, regular or special, or work session may be cancelled and/or rescheduled by the Zoning Administrator if the need arises." It just gives the zoning administrator the ability to do that.

Kurt Hassler: You want to recommend approval to the Town Council.

Motion to recommend Rules of Procedure as submitted, for approval by Town Council by Commissioner Lucas/Commissioner Slaysman.

Vote:	Ayes:	Arnold Moya William Lucas Betty Amator Larry Martin Kay Matthews
	Nays:	None

9. **CUP2004-C005**

Consider a conditional use permit application from CRW Construction, LLC to operate a recreational vehicle park on parcel number 105-22-022T.

Chairman Moya: Do we have a representative of this issue?

Chuck Williams: We are proposing to put in a 23 space RV Park on the parcel.

Commissioner Lucas: What is the zoning in that area?

Kurt Hassler: The parcel has two different zoning types. The majority of it where the RV Park will actually be located is AR-20. There's a section up by Maricopa that is C-1.

Chairman Moya: We are opening this issue up to public participation and please state your name and limit your discussion to 10 minutes.

PJ Murphy: 506 Fairlane Drive. Our neighborhood does not want an RV Park in that area.

Memory Jackson: 473 Garcia St. Clean up the bad trailers first before you try to move some more in.

Pat Arabie: Casa Malpais RV Park. If this proposed park comes in, what's going to be the city's participation in financing to tie into the sewer?

Kurt Hassler: None.

Will Castillo: I live on Hwy 180 and boundary the park. I agree that traffic will be bad and then what will be done about our animals.

Lee Godsey: 1215 Maricopa. You put more mobile homes in there or RV's and you are asking for more trouble than what you've already got.

Morris Padilla: We don't want a trailer park.

Walter Brannan: We do not need a trailer park back there.

Stephanie Behill: Why did the new trailer park get the grant when existing trailer parks went in and asked for grants and were told no grants were available.

Chairman Moya: Which one are you referring to?

Stephanie Behill: Any of them. Why was a grant granted to a new trailer park coming in when there are existing trailer parks that need your help?

Kurt Hassler: What grants are you talking about?

Pat Arabie: I think she's referring to the application for grant money for Mike Moses.

Kurt Hassler: That is not grant money. Those are city funds. The Mountain Gateway Park was a negotiated deal between the Town Council at that time and Mr. Moses as the developer. That was the previous Council, not even the one that presently sits.

Chairman Moya: Thank you ma'am.

Rita Godsey: I live on Maricopa Drive. I am not in favor of a trailer park in my back yard.

Thea Clemons: I just spent a lot of money putting a manufactured home on my property and I am concerned that my property values will go down.

Maria Nugent: Exactly but we have the opportunity to prevent some of that. There are places available that are already there.

Chairman Moya: And your decision was that you are opposed?

Maria Nugent: Yes.



Commissioner Martin: What capacity are the RV Parks?

Kurt Hassler: I don't have any idea, we don't track any of that.

Walter Brannan: You've got 150 spaces out on Hwy 60 that doesn't have water or a trailer on it.

Chairman Moya: It is still in the works. Do we have any other comments from the commission or closer to a decision on #9?

Commissioner Lucas: I have a question for our attorney. Did we determine if RV's are suitable or compatible in a campground designation or not?

John Murphy: That is a residential area, not a trailer or RV Park.

Mrs. Hill: What's the size of the acreage?

Betty Amator: 2 Acres.

Chairman Moya: We are closing the public participation here and get back to our regular meeting.

Commissioner Lucas: I am still waiting for a response from the attorney.

Attorney Solomon: The way it is in here, it's very confusing. Campgrounds are mentioned twice. It is not clear and to answer your question of are RV's provided for in here? It looks like they tried to do it but didn't do a good job when this was put in place. It is not spelled out, it's too vague.

Commissioner Lucas: Then let me ask for an opinion, if this meets the criteria for a campground because if so, then that is a conditional use permit under AR-20 but it does have additional requirements from what staff has recommended which is something we'd want to follow up on.

Attorney Solomon: And when something is as vague as this is, the answer is yes and no.

Kurt Hassler: I think the answer to your question is no. He's not looking to put a campground in because he's not looking to put those amenities in that have to be there with a campground.

Attorney Solomon: It's not coming in under a campground as far as this one is concerned, they are not applying to be a campground.

Commissioner Lucas: I have a follow up question for the applicant. Based on what you are submitting as a site plan, how does that impact since you are talking about in addition a 6' privacy fence and I notice that if you were to enter off of Maricopa and you want to turn to the West so you can go out and come back on the other street that goes to Maricopa, what does that do for access or easement for people who live West of your property because that road now becomes affectively blocked with the installation of your RV Park.

Chuck Williams: The only real access you guys have, on this side, all this land, is right in here.

Commissioner Martin: There is no real road there.

Chuck Williams: I want to give them legal access to use these driveways. That's why the park is designed this way.

Commissioner Lucas: What about the people who are to the West of there?

Chuck Williams: They have the road coming in here. . .

Commissioner Lucas: So you are saying that your fence would run North and South and would knock out the access except by Garcia Street.

Chuck Williams: Which is legal access.

Mr. Garcia: In 1972 I put that road in myself.

Attorney Solomon: It's private property.

Commissioner Lucas: Without something we can look at there seems to be enough question.

Betty Amator: I move that we request a preliminary title search and current survey from the property owner.

3. **ZONING ADMINISTRATOR REPORT**

No Report

4. **MINUTES:** Consider approval of the minutes from the planning and zoning commission work session held on February 12, 2004.

Motion to accept minutes with changes by Dan Slaysman/Larry Martin, motion carried unanimously.

5. **MINUTES:** Consider approval of the minutes from the planning and zoning commission meeting held on February 12, 2004.

Motion to accept minutes with changes by Larry Martin/Kay Matthews, motion carried unanimously.

10. **ADJOURNMENT**

Motion to adjourn the meeting by Commissioner Martin/Commissioner Matthews.

Vote:	Ayes:	Arnold Moya
		William Lucas
		Betty Amator
		Larry Martin
		Kay Matthews
		Dan Slaysman

Nays:

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Arnold Moya, Chair